

ORDINANCE NO. 15- 04

**AN ORDINANCE OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, AMENDING SECTION
3-2(2)(B) OF ORDINANCE NO. 15-01 TO CHANGE
QUALIFICATIONS FOR MEMBERSHIP OF THE DESIGN
REVIEW BOARD; PROVIDING A SEVERABILITY
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Village of Estero adopted Ordinance No. 15-01 on April 17, 2015, which established the Village Planning and Zoning Board and the Village Design Review Board; and

WHEREAS, the Village Council has recently received nominations for the two boards and appointed members to those boards; and

WHEREAS, in the process of establishing the Design Review Board and appointing its members, the Village has determined that it is in the best interests and welfare of the Village and its residents to amend Ordinance No. 15-01, Section 3-2(2)(b) to change the membership qualifications of the Design Review Board to require one state registered architect instead of two state registered architects to be members of the Design Review Board; and

WHEREAS, the Village Planning and Zoning Board, as the Local Planning Agency and in a duly noticed public hearing, has considered the proposed change and has recommended that the proposed change is consistent with the Village of Estero Comprehensive Plan.

NOW THEREFORE, THE VILLAGE OF ESTERO HEREBY ORDAINS as follows:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed as being true, and the same are hereby incorporated as a part of this Ordinance.

Section 2. **Amending Section 3-2(2)(c) of Ordinance No. 2015-01.** Section 3-2(2)(c) of Ordinance No. 2015-01 is hereby amended as follows:

Sec. 3-2. Organization; qualification of members.

(1) The village council shall appoint a chairman from among the appointed members of the design review board to serve for one year terms and to preside at its meetings. The design review board shall elect a vice-chairman for 1 year terms to preside at its meetings in the absence of the chairman. The board shall formulate its rules and regulations for the conduct of its business, which shall govern except as inconsistent with any procedures established for it by the village council.

(2) The members of the board shall have the following qualifications:

(a) At least 4 members must be residents of the village. All other members shall either (i) own a business in the village; (ii) own property in the village; or (iii) work in the village;


(b) At least ~~2 members~~ 1 member of the board shall be a state-registered architects, at least 1 member shall be a state-registered engineer, and at least 1 other member shall be a state-registered landscape architect. The remaining members of the board shall be architects, landscape architects, professional engineers, professional land planners, building contractors, or shall possess a similarly related professional background which is well versed in the land development process. Vacancies on the design review board shall be filled pursuant to the administrative ordinances of the Village of Estero. The village council may remove any member of the board from office after notice and hearing, upon the affirmative vote of a majority of the village council membership. ~~and~~

Section 3. **Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 4. Effective Date. This Ordinance shall be effective upon adoption at second reading.

PASSED and ADOPTED on first reading this 15th day of MAY, 2015.

PASSED and ADOPTED on second reading this 20th day of MAY, 2015.


Nick Batos, Mayor

Attest:


Village Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**


Burt Saunders, Interim Village Attorney

Vote:

Mayor Batos	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Vice Mayor Levitan	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Councilmember Boesch	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Councilmember Brown	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Councilmember Errington	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Councilmember Ribble	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>
Councilmember Wilson	yes	<input checked="" type="checkbox"/>	no	<input type="checkbox"/>